

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14439, of Isaac and Mary Boone, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 3305.1) and the lot occupancy requirements (Sub-section 3303.1) to construct a rear addition to a single family structure in an R-2 District at premises 3958 Blaine Street, N.E., (Square 5050, Lot 41).

HEARING DATE: June 18, 1986
DECISION DATE: June 18, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The parking is located on the north side of Blaine Street between Burns Street to the west and 40th Street to the east. A public alley runs along the rear of the property. The premises is known as 3958 Blaine Street, N.E., and it is located in an R-2 District.

2. The site consists of a single family dwelling, forming the central unit of a community house. Presently, the house area is approximately 480 square feet, occupying completely the sixteen foot width of the lot. There is no side yard, since the premises is sandwiched between two other dwellings.

3. A community house by definition is a group of three one-family dwellings, each on a separate lot, erected simultaneously as a group with each of the outer dwellings having a side yard.

4. The applicants plan to add an additional bedroom and bathroom extending from the rear of the structure with an area of sixteen by sixteen square feet. The proposed structure would add 256 square feet to the total lot occupancy, which would result in less than one present occupancy over the allowed measurements. Furthermore, the addition would not provide for a side yard, since it would occupy completely the sixteen foot width of the property.

5. The applicants request the addition to facilitate the movement of Mrs. Cooke who is under a doctor's care for leg problems. With the additional bedroom and bath located on the first floor, the need to use the stairs will be less frequent. Furthermore, the extra space will allow for an addition to the family.

6. The applicants seek area variances from the prohibition against exceeding the forty percent lot occupancy allowance and the requirement of the eight foot minimum side yard.

7. The Advisory Neighborhood Committee 7D filed no recommendation on the application.

8. An adjoining neighbor testified in support of the application. There was no reported opposition.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence of the record, the Board concludes that the applicants are seeking area variances from both the side yard and the lot occupancy requirements. Under Sub-section 3303.1, the maximum lot occupancy allowed for residential purposes in an R-2 District is forty percent. The proposed addition would increase the applicant's total lot occupancy to approximately forty-one percent. Under Sub-section 3305.1, a side yard with a minimum width of eight feet is required. The proposed addition will not have a side yard. In order to be granted area variance relief, the applicants must demonstrate that the property is affected by an exceptional situation or condition inherent in the property, that the strict application of the Zoning Regulations would result in practical difficulties upon the owner, and that such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose or integrity of the Zoning Regulations and map. (Paragraph 8207.11).

The Board concludes that the applicants have met their burden of proof for an area variance, demonstrating that the property is affected by an exceptional condition and that the strict application of the lot occupancy and side yard requirements would result in practical difficulties for the owner. The premises is located in a R-2 District in which is allowed semi-detached dwellings on lots with a maximum width of forty feet and maximum area of 4000 square feet. The property here, however, is not semi-detached because it is sandwiched between two homes. Furthermore, the width of the property is only sixteen feet, with a total area of approximately 1,800 square feet. The present structure is approximately 730 square feet or forty percent of the lot occupancy. Without a variance, no further addition would be allowed. Given the small size of this lot, a forty percent lot occupancy is not practical. Since the proposed addition would only exceed the maximum allowance by one percent, it would not adversely affect the neighborhood on the integrity of the zoning plan.

The construction of the existing premises never contemplated a side yard, given the sixteen feet width of the

property. Being the central unit of a community house, a side yard is neither practical nor feasible. The same problem exists for any addition constructed on the premises. If the required side yard was maintained, any addition would have a maximum width of eight feet. While an eight foot width might suit a bathroom or a foyer, no other use would be feasible or practical. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Paula L. Jewell, to grant; Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: AUG 25 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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